

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 12/17/03

Division: County Attorney

Bulk Item: Yes xx No

Department: County Attorney

AGENDA ITEM WORDING:

Presentation of code enforcement lien settlement offer from Largo Coin Laundry, Inc.

ITEM BACKGROUND:

This case involves two separate liens against the same property. The total fines exceed \$110,000.00.

On September 29, 2000, the Code Enforcement Special Master imposed a \$100.00 per day fine against the property when a sign violation was not corrected in a timely fashion. The violation continued to exist into July of 2003.

On February 20, 2001, a second lien securing a separate and distinct \$100.00 per day fine was imposed as a result of some work completed without a building permit. The fine stopped accumulating 91 days later when the violation was cured through an after-the-fact permit.

The property owner, through his attorney Jim Lupino, has offered to settle both liens for \$2,000.00. Due to the existence of two liens, from two separate violations, the staff time involved in investigating both violations, prosecuting both cases before the Special Master, and attorney time spent addressing the liens, County legal staff is unwilling to recommend anything less than \$5,000.00 to settle the lien.

PREVIOUS RELEVANT BOCC ACTION:

The Board authorized the County Attorney to initiate collection litigation on this case in April 2003.

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS: Reject the \$2000.00 offer and direct the County Attorney to hold firm at \$5,000.00.

TOTAL COST: _____

BUDGETED: Yes No

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes xx No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

John Collins 12/02/03
J.R. Collins

DOCUMENTATION: Included xx

To Follow Not Required

DISPOSITION: _____

AGENDA ITEM # R3



BOARD OF COUNTY COMMISSIONERS

MAYOR Dixie M. Spehar, District 1
Mayor Pro tem Murray E. Nelson, District 5
Charles "Sonny" McCoy, District 3
George Neugent, District 2
David Rice, District 4

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John R. Collins, County Attorney
Rob N. Wolfe, Chief Asst. County Attorney
Suzanne Hutton, Asst. County Attorney
Robert B. Shillinger, Asst. County Attorney

August 12, 2003

James Lupino, Esq.
Hershoff, Lupino & Mulick, LLP
90130 Old Highway
Tavernier, FL 33070

Re: Monroe County v. Largo Coin Laundry, Inc.
Code Enforcement Case No.: U1-01-869
U5-00-1173

Dear Jim:

This letter shall confirm our phone conversation this morning wherein you agreed to escrow \$5,000.00 from the settlement proceeds from the sale of the property owned by Largo Coin Laundry, Inc. for the purpose of settling the outstanding code enforcement liens against the property. In exchange, the County will not seek more than \$5,000.00 to settle those liens, which exceed \$100,000.00. I will place this item on the agenda of the Board of County Commissioners for its November meeting.

Please advise if the above does not comport with your understanding of our agreement. Should you or your client prefer to resolve the matter sooner, I would be willing to schedule the matter for the Marathon meeting in September or the October meeting in Key West.

Sincerely,

Robert B. Shillinger
Assistant County Attorney

Law Offices
Hershoff, Lupino & Mulick, L.L.P.

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LAND USE COORDINATOR
PETER D. BACHELER

OF COUNSEL
J. ALLISON DeFOOR, II

August 1, 2003

Bob Shillinger, Esq.
Office of the County Attorney
P.O. Box 1026
Key West, FL 33040

RE: Monroe County v. Largo Coin Laundry, Inc.
Code Enforcement Case #s: U1-01-869
U5-00-1173

Dear Bob,

The ultimate goal of code enforcement prosecution in Monroe County is to bring the subject property into compliance with the Monroe County Comprehensive Land Use Plan and Land Development Regulations through proper after-the-fact permitting. Part of the process involves attaching liens on the property to call attention to fixing the problem.

In the past, Monroe County has settled on a figure of roughly ten per cent of the base lien amount. In the above referenced cases we understand that a lien amount of \$9,000.00 for each infraction. Investigatory fees in each case were \$100.00.

Keeping in mind the \$100.00 banner sign and the after-the-fact air conditioning permit (albeit 3 months late) we are comfortable to settle each issue for \$900.00 to the lien, \$100.00 investigation fee \$1,000.00 each or a total on both of \$2,000.00.

Please advise at your earliest opportunity if this is satisfactory to the commission.

Sincerely,


James Lupino

RECEIVED

AUG 07 2003

MONROE COUNTY ATTORNEY